Ratification of UNESCO/UNJDROIT convention

1895. SHRIMATI PREMA CARRIAPPA: Will the Minister of CULTURE be pleased to state:

whether the country has ratified the UNESCO/International Institute for the unification of Private Law (UNIDROIT) Convention of Stolen or Illegally Exported Cultural Objects, 1995;

if not, the reasons therefor; and

(c) if so, the details of the cases country has pursued under this Convention?

THE MINISTER OF CULTURE (SHRIMATI AMBIKA SONI): (a) No, Sir.

(b) The reasons are as under:—

0 There are no practical benefits if most of the "countries of destination" or "importing countries" of stolen or illegally exported cultural objects are not a party to the Convention. Many countries have not ratified the Convention.

ii) Under Article 3(3) of the Convention, there is a time limitation, on claiming restitution of stolen cultural property. This time limitation of three years is considered unrealistic given the resource and technical constraint of the developirg countries of getting together evidence for proving ownership of stolen cultural property as well as the time taken for obtaining legal assistance from the state of destination.

iii) Under Article 4(1) of the Convention, the possessor of the cultural object is required to be compensated by the requesting state at the time of the return if he did not know that the object had been illegally exported or stolen. This places an undue burden en the requesting State and is not in conformity with the common law principle of *nemo dat quad non habit, i.e.* the buyer cannot acquire a better title than the seller of the property. The obligation to pay compensation should lie with the person who sold the illegally acquired cultural object to the possessor and not the State from which the object was stolen or illegally exported. The State, under this Convention, is under a double burden. It not only has to approach directly the courts of another contracting State for the return of a stolen cultural object, but also has to pay compensation to an innocent purchaser.

(c) Does not arise in view of (a) above.

**Encroachment of historical monuments**

1896. SHRIO.T.LEPCHA:
SHRI SANTOSH BAGRODIA:

Will the Minister of CULTURE be pleased to state:

whether it is a fact that rampant encroachments have taken place at historical monuments due to lack of security;

if so, the details of such monuments where encroachments have taken place and the steps being taken to clear such encroachments;

whether Government has taken up the issue with the respective State Governments; and

if so, the response of the State Governments?

THE MINISTER OF CULTURE (SHRIMATI AMBIKA SONI): (a) Several factors have contributed to encroachments on protected areas of monuments such as rapid urbanization, increasing pressures on land, commercialization, etc.

(b) The details of the State-wise number of monuments with encroachment on protected area is given Statement-I (*See* below). The Superintending Archaeologists of the Circles have been delegated the powers of the Central Government to issue 'Show Cause Notice' to encroachers for removal of encroachments under the provisions of AM&ASR Act, 1958 and Rules 1959.

They are also vested with the powers of Estate Officer under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 to initiate immediate legal action against the encroachers. They watch and inspect the centrally protected monuments/sites on a regular basis. They alio interact with the District authorities and the State Police from time to time to thwart/remove encroachments. The ASI has deployed watch and ward staff in addition to the deployment of private security guards, State Police and Home Guards, and CISF in selected cases.

Wherever feasible and necessary, efforts have been made to provide fencing around centrally protected monuments.

(c) and (d) The issue has been taken up at various levels with the concerned State Governments, and encroachments have been removed from various monuments/sites listed in the Statement-II.

*Statement-I*

*The details of Centrally Protected Monuments as well as the number of encroachments (State-wise)*

| **Sl.No.** | **Name of State** | **No. of Monuments** | **Number of monuments with encroachment** |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| 1. | Andhra Pradesh | 137 | 1 |
| 2. | Arunacha! Pradesh | 05 | NO |
| 3. | Assam | 53 | 3 |
| 4. | Bihar | 70 | 2 |
| 5. | Chhattisgarh | 47 | 6 |
| 6. | Daman &Diu(U.T.) | 12 | Nil |
| 7. | Goa | 21 | Nil |
| 8. | Gujarat | 202 | 12 |

| 1 | 2 | 3 | 4 |
|---|---|---|---|
| **9.** | **Haryana** | **90** | **7** |
| **10.** | **Himachal Pradesh** | **40** | **2** |
| **11.** | **Jammu & Kashmir** | **69** | **10** |
| **12.** | **Jharkhand** | **12** | **7** |
| **13.** | **Karnataka** | **507** | **60** |
| **14.** | **Kerala** | **26** | **6** |
| **15.** | **Madhya Pradesh** | **286** | **3** |
| **16.** | **Maharashtra** | **286** | **29** |
| **17.** | **Manipur** | **01** | **Nil** |
| **18.** | **Meghalaya** | **08** | **Nil** |
| **19.** | **Nagaland** | **04** | **Nil** |
| **20.** | **N.C.T. Delhi** | **175** | **11** |
| **21.** | **Orissa** | **78** | **3** |
| **22.** | **Puducherry(U.T.)** | **07** | **Nil** |
| **23.** | **Punjab** | **31** | **l** |
| **24.** | **Rajasthan** | **162** | **2** |
| **25.** | **Sikkim** | **03** | **Nil** |
| **26.** | **Tamil Nadu** | **413** | **1** |
| **27.** | **Tripura** | **05** | **1** |
| **28.** | **Uttar Pradesh** | **742** | **79** |
| **29.** | **Uttaranchal** | **042** | **3** |
| **30.** | **West Bengal** | **133** | **Nil** |
| | **TOTAL** | **3667** | **249** |

***Statement-II***

*The details of encroachment removed from centrally protected monuments*

| Sl.No. | Name of Monument | Location/State |
|---|---|---|
| 1. | ASSAM: GUWAHATI CIRCLE | |
| i. | Monoliths, Kasomary Pahar | District Golaghat, Assam |
| ii | Rock Cut Caves, Joggighopa | District Bongaigaon, Assam |
| 2 | ANDHRA PRADESH: HYDERABAD CIRCLE | |
| L | Attarah Sidi area in Golconda Fort | Hyderabad, Andhra Pradesh |
| 3. | BIHAR: PATNA CIRCLE | |
| L | Ancient monument | Kurkihar, Bihar |

| SI.No. | Name of Monument | Location/State |
|---|---|---|
| 4. | DELHI: DELHI CIRCLE | |
| | i Qutab Minar complex | Mehrauli, Delhi |
| | ii. Tughlaqabad Fort | Delhi |
| | iii. BaraKhamba | Delhi |
| | iv. Shershah Gate | Delhi |
| | v. NilaGumbad | Delhi |
| | vi. Sarai Shahji | Delhi |
| | vii. Siri Fort Wall | Delhi |
| | viii Humayun's Tomb | Delhi |
| | ix Chhote Khan, Bare Khan & Bhure Khan | Delhi |
| | x ArabkiSarai | Delhi |
| | xi Unknown Mosque | Delhi |
| | xii Tomb of Razia Begum in Mohalla, Shahajahanabad | Delhi |
| | xiii. Lodhian Road Cemetery, Kashmiri Gate | Delhi |
| 5. | HARYANA: CHANDIGARH CIRCLE | |
| | i Prithviraj Chauhan's Fort (Partly) | Hansi, Haryana |
| | ii. Ancient Site Rakhigarhi (Partly) | Rakhigarhi, Haryana |
| | iii Raja Harsh ka Qila (Partly) | Thaneswa, Haryana |
| | iv. Ancient Site | Narurangabad, Haryana |
| | v. Ancient Site | Sunet, Punjab |
| 6. | KARNATAKA: BANGALORE CIRCLE | |
| | i Krishna Temple Complex | Kadirampuram, Karnataka |
| | ii. Hemakuta Jaina Temple | Kadirampuram, Karnataka |
| | iii. Kodandarama Temple | Kamalapuram, Karnataka |
| | iv. Patabhirama Temple | Kamalapuram, Karnataka |
| | v. Maridapa Close to Talwargatta Gate | Nimbapuram (Hampi), Karnataka |
| | vi. Yendam aragunda | Hampi, Karnataka |
| | vii. Bhoganandeeshwara Temple | Nandi, Karnataka |
| | viii. Someshwara Temple | Kolar, Karnataka |
| | ix Fort at Chitradurga | Chitradurga |
| | **x DHARWAD CIRCLE** | |
| | xi HaftGumbaz | Gulbarga |
| | xil Fort | Gulbarga |
| | xiii. MahadevaTemple | Ittagi |

| Sl.No. Name of Monument | Location/State |
|---|---|
| xiv. Part of Fort Wall | Bijapur |
| JummaMasjid | Bijapur, Kamataka |
| 7. MADHYA PRADESH: BHOPAL | |
| i Shiv Temple | Bhojpur, Madhya Pradesh |
| ii. Monuments at Mandu, viz. Taveli Masnid and DariaKhan Tomb | Mandu, Madhya Pradesh |
| iii Mohammad Ghaus ka Tomb | Gwalior, Madhya Pradesh . |
| 8. MAHARASHTRA: | Nurmahal, Punjab |
| i Daulatabad Fort | Daulatabad, Maharashtra |
| ii. Bibi-ka-Maqbara | Aurangabad, Maharashtra |
| iii Ancient Site | Newasa, Maharashtra |
| iv. Markandadev Group of Temples, | Markanda, Maharashra |
| v. Someshwar Mahadev Temple | Neri, Maharashtra |
| 9. ORISSA: BHUBANESWAR | |
| i. Sun Temple | Konark, Orissa |
| ii. Mukteshwar Temple | Bhubaneswar, Orissa |
| iii. Kamesh war Temple | Bhubaneswar, Orissa |
| iv, Udayagiri Khandagiri Caves | Bhubaneswar, Orissa |
| 10. PUNJAB: CHANDIGARH | |
| i Nurmahal Sarai | Nurmahal, Jalandhar |
| 11. RAJASTHAN: JAIPUR CIRCLE | |
| i Gate of Taragarh Hill | Ajmer, Rajasthan |
| 12. TAMILNADU: CHENNAI | |
| i. Brihadeshwara Temple | Gangaikondacholapuram, Tamil Nadu |
| ii. Darasuram | Thanjavur District, TamH Nadu |
| iii. Madagadipatru, Pondicherry | Puducherry |
| 13.UTTRAKHAND: DEHRADUN | |
| i Adibadri Group of Temples, Distt. | Distt. Chamoli |
| 14. UTTAR PRADESH: LUCKNOW | |
| i. Naubatkhana/Nakkar Khana | Lucknow, Uttar Pradesh |
| ii Platform and staircases of Amjad Mausoleum | Lucknow, Uttar Pradesh |
| iii. Cemetery near Fort Machhi | Lucknow, Uttar Pradesh |
| iv. Bargawan Cemetery | Lucknow, Uttar Pradesh |

| Sl.No. Name of Monument | Location/State |
|---|---|
| v. Mahibullahpur Memorial Pillar | Lucknow, Uttar Pradesh |
| vi. Panch Mahal of Jhansi Fort | Jhansi, Uttar Pradesh |
| vii. Compound of Sikanderbgarh building | Lucknow, Uttar Pradesh |
| viii. Marion Cemetary | Lucknow, Uttar Pradesh |
| ix. Asifudding Bara Imambara | Lucknow, Uttar Pradesh |
| x Khusrubagh Gate | Lucknow, Uttar Pradesh |
| xi KydgniI Cemetary | Allahabad, Uttar Pradesh |
| xii Rani Mahal | Jhansi, Uttar Pradesh |
| xiii. Amjad Ali Shah Mausoleum | Lucknow, Uttar Pradesh |
| 15. WEST BENGAL: KOLKATA CIRCLE | |
| L Hazarduari Place and Imambara (From the area within fencing) | Murshidabad, West Bengal |
| ii. John Pierce's Tomb | Midnapore, West Bengal |

**Facelifting of world Heritage sites in India**

1897. MS. PRAMIL A BOHTDAR:
SHRI B.J. PANDA:

Will the Minister of CULTURE be pleased to state:

(a) whether Government proposes to give a facelift to the World Heritage sites in India; and

(b) if so, the details thereof, *inter alia* indicating those that are porposed to be improved with basic amenities in State of Orissa with a view to boost tourism in this backward region?

THE MINISTER OF CULTURE (SHRJMAT1AMBIKASONI): (a) and (b) Conservation and maintenance of 19 World Heritage Sites which are under the control of the Archaeological Survey of India, is undertaken in accordance with prescribed norms and guidelines. Around Rs. 19crore have been allotted during the current financial year for conservation, chemical preservation and horticultural activities at these World Heritage Sites.

Sun Temple, Konark is ASl's only World Heritage site located in the State of Orissa. In the current financial year, a budget ofRs. 1.06 crore has allotted for its conservation and maintenance. In addition, a Memorandum of Understanding has been signed with the Indian Oil Foundation under the National Culture Fund for environmental development and provision of tourist amenities in the Konark Temple complex. The budget for this project is approximately Rs. 13 crore.